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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,717	03/19/2004	Fred H. Holmes	Omni Voltage	2716
33036	7590	11/17/2006	EXAMINER	
KEN FISHER			PATEL, RAJNIKANT B	
5521 CLEON AVE.			ART UNIT	PAPER NUMBER
NORTH HOLLYWOOD, CA 91601			2838	

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/708,717

Applicant(s)

HOLMES ET AL.

Examiner

Rajnikant B. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) The invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-2 is rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (U.S. Patent # 5,739,639).

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Johnson disclose the claimed subject matters the battery operated LED lighting device (figure 2 and 5-6), including at least one light emitting diode (figure 2, item 28), a battery (figure 2, item 32), a constant voltage is higher than battery voltage (column 5, line 63-68 and figure 2, items 76,90 and 92), diodes segregated into groups (figure 2, item 28).

3. Claims 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Haavisto et al. (U.S. Patent # 6,320,330).

Haavisto et al. disclose the claimed subject matters the battery operated LED lighting device (figure 6), including at least one light emitting diode (figure 6, item 1L), constant voltage is higher than battery voltage (figure 6).

4. Claims 31-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Lebens et al. (U.S. Patent # 6,305,818 B1).

Lebens et al. disclose the claimed subject matters a LED lighting device (figure 2-4,7-8, and 10-11), including at least one light emitting diode (figure 10, item 25), battery-powered (column 4, line 10-30), a video or digital imaging (column 8, line 5-10), a switch-mode regulator (column 7, line 20-25), a ballasting element (figure 10, item R3), plurality of light emitting diodes connected in series and identical group (figure 10 item 26), a ballasting element comprising an inductor (figure 10, item L1).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shirai (U.S. patent # 5,598,068) in combination with Kawakami (U.S. patent # 4,618,812) and Lebens et al. (U.S. Patent # 6,305,818 B1).

Shirai disclose the claimed subject matters a battery operated lighting device (figure 3), including at least one light emitting diode (figure 3, item 311-366), LED segregated into groups, the groups connected in parallel (figure 3, items 311-316,321-326-----361-366), LED connected in series (figure 3, item 311-316), a resistor is a ballasting element (figure 3, item 412,422,432),. However Shirai does not disclose the utilization of the technique for a battery and power supply with boost regulating circuit providing constant voltage, a buck regulator, a output voltage higher than battery voltage, a subject in film, video, or digital imaging, the microprocessor. Kawakami teaches the utilization of the technique for battery and power supply with boost regulating circuit providing constant voltage (figure 1, and Abstract line 1-5), a buck regulator (Abstract, line 18-22), a output voltage higher than battery voltage (Abstract, line 15-20) and Lebens et al. teaches the utilization of the similar technique for a subject in film, video, or digital imaging, the microprocessor (figure 2,10 and column 8, line 1-10), a dimmer (column 11, line 35-40,

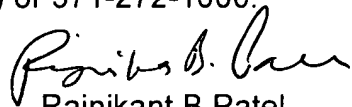
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a manually adjustable (column 12, line 25-30), and light intensity control (column 15, line 25-30). It would have been obvious one having an ordinary skill in the art at the time the invention made to modify Shirai's control circuit by utilizing the technique taught by Kawakami and Lebens et al. for the purpose of improving controlling of light emitting diodes.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rajnikant B. Patel whose telephone number is 571-272-2082. The examiner can normally be reached on 6.30-5.00; m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Karl Easthom can be reached on 571-272-1989. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Rajnikant B Patel
(PRIMARY EXAMINER)